



Express Mail No.: EL 477 033 690 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jin et al.

Application No.: 09/724,388

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Not Yet Assigned

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-051-999

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)
AND REQUEST FOR EXTENSION OF TIME TO RESPOND TO NOTICE TO FILE
MISSING PARTS UNDER 37 C.F.R. 1.136(b) AND IN THE ALTERNATIVE
PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) mailed on December 3, 2001, Applicants respectfully submit a Declaration for Non-Provisional Patent Application executed by the inventor Hong Jin and request that a Request for Extension of Time under 37 C.F.R. § 1.136(b) be granted. In the alternative, Applicants request that a Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b) be granted.

Applicants respectfully submit concurrently herewith: (1) a copy of the Notice of Incomplete Reply mailed on December 3, 2001; (2) a Declaration for Non-Provisional Patent Application executed by the inventor Hong Jin; (3) a copy of the documents that were filed via Express Mail on November 19, 2001, in Response to the Notice to File Missing Parts together with Express Mail Label No. EL 477 032 779 US (attached hereto as Exhibit

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A); and (4) a copy of the return receipt postcard identifying the documents that were filed on November 19, 2001, in Response to the Notice to File Missing Parts carrying the stamp of the OIPE, dated November 19, 2001 indicating receipt by the PTO (attached hereto as Exhibit B).

**REQUEST FOR EXTENSION OF TIME TO RESPOND TO NOTICE TO FILE
MISSING PARTS UNDER 37 C.F.R. 1.136(b)**

Applicants respectfully request that a Request for Extension of Time to Respond to Notice to File Missing Parts under 37 C.F.R. 1.136(b) be granted on the ground that Applicants made a bona fide, good faith effort to and in fact believe that they had responded completely by timely submission, via Express Mail No. EL 477 032 779 US on November 19, 2001 of a Declaration consisting of six pages, executed in two page counterpart Declarations executed by each of the three named inventors together with a Petition for Extension of Time with the fee.

The last paragraph of section 710.02(d) of the M.P.E.P. states:

The 2-month time period for reply to A Notice to File Missing Parts of an Application is not identified on the Notice as a statutory period subject to 35 U.S.C. 133. Thus, extensions of time of up to 5 months under 37 C.F.R. 1.136(a), followed by additional time under 37 C.F.R. 1.136(b), when appropriate, are permitted.

As set forth below, to the Applicants best knowledge, all items required by the Notice to File Missing Parts mailed on April 19, 2001, were filed in a timely fashion on November 19, 2001. As further outlined below, subsequent to the receipt of the Notice of Incomplete Reply mailed on December 3, 2001, every effort was made to clarify quickly the apparent discrepancy between the documents in our files and the documents received by the Patent and Trademark Office. Applicants therefore request that an Extension of Time under 37 C.F.R. 1.136(b) be granted up to and including January 11, 2002.

The Response to the Notice to File Missing Parts mailed on April 19, 2001 was accompanied by a Petition for Extension of Time for five months with the fee together with the executed Declaration for Non-Provisional Patent Application. The Declaration by the three named inventors was executed in three separate documents since each inventor signed and dated a separate two page Declaration. It was intended that the entire six pages constituting the executed Declaration be forwarded to the Patent and Trademark Office , via Express Mail No.: EL 477 032 779 on November 19, 2001 (Exhibit B). In fact, a copy of the documents in our files corresponding to what was filed (Exhibit A) confirms that intention. A copy of the return receipt from the PTO also evidences receipt of the Declaration.

A Notice of Incomplete Reply was mailed on December 3, 2001 indicating that the signature of the inventor Hong Jin was missing from the Declaration. The Notice of Incomplete Reply was received by our firm on December 13, 2001. A telephone call was made on December 17, 2001 to Alicia Evans of the Initial Patent Examination Division who agreed to obtain the file and inform us of the status of the Declaration as received by the Patent and Trademark Office. Attempts to reach Alicia Evans on December 19, December 21, and December 26 were without success. Attempts to obtain the needed information from Alicia Evans on January 3 and 7, 2002 were also unsuccessful. On January 8, 2002, Alicia Evans informed us that the second page of the Declaration with Hong Jin's signature is indeed missing from the Declaration in the PTO file and that two first pages were received instead. Applicants can only surmise that the second page of Hong Jin's Declaration was either lost at the PTO or inadvertently omitted from the Response to the Notice to File Missing Parts of Non-Provisional Application and request that the Request for Extension of Time under 37 C.F.R. 1.136(b) be granted to permit submission of the two page executed Declaration with this request.

Please charge the required fee to Pennie & Edmonds, LLP Deposit Account No. 16-1150. A duplicate of this sheet is attached.

In the alternative, if the Request for Extension of Time under 37 C.F.R. 1.136(b) is not granted, it is requested that a Petition to Revive Unintentionally Abandoned Application, as set forth below, be granted instead.

**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Applicants respectfully petition to revive the above-identified application under 37 C.F.R. § 1.137(b) on the ground that the application was abandoned unintentionally.

Applicants petition to revive the application, which is believed to be abandoned for unintentionally failing to respond completely within the time set forth on the Notice to File Missing Parts of Non-Provisional Application mailed on April 19, 2001.

The relevant facts are set forth below. On November 19, 2001, a Response to the Notice to File Missing Parts of Non-Provisional Application was filed accompanied by a Petition for Extension of Time for five months together with the executed Declaration for Non-Provisional Patent Application. The Declaration by the three named inventors was executed in three separate documents since each inventor signed a dated separate 2 page Declaration. It was intended that the entire six pages constituting the executed Declaration be forwarded to the Patent and Trademark Office, via Express Mail No.: EL 477 032 779 on November 19, 2001 (Exhibit B). In fact, a copy of the documents in our files corresponding to what was filed (Exhibit A) confirms that intention.

A Notice of Incomplete Reply was mailed on December 3, 2001 further indicating that the signature of the inventor Hong Jin was missing from the Declaration. The Notice of Incomplete Reply was received by our firm on December 13, 2001. A telephone call was made on December 17, 2001 to Alicia Evans of the Initial Patent Examination Division who agreed to obtain the file and inform us of the status of the Declaration as received by the Patent and Trademark Office. Attempts to reach Alicia Evans on December


19, December 21, and December 26 were without success. Attempts to obtain the needed information from Alicia Evans on January 3 and 7, 2002 were also unsuccessful. On January 8, 2002, Alicia Evans informed us that the second page of the Declaration with Hong Jin's signature is indeed missing from the Declaration in the PTO file and that two first pages were received instead. Applicants can only surmise that the second page of Hong Jin's Declaration was either lost at the PTO or inadvertently omitted from the Response to the Notice to File Missing Parts of Non-Provisional Application and request that the Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b) be granted.

It is believed that a fee of \$1,280.00 is due for this Petition. Please charge the required fee to Pennie & Edmonds, LLP Deposit Account No. 16-1150. A duplicate of this sheet is attached.

If any issues remain, it is requested that the undersigned be contacted at (212) 790-2296.

Respectfully submitted,

Date: January 11, 2002


31,232
Geraldine F. Baldwin (Reg. No.)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

EXHIBIT A

Documents that were filed on November 19, 2001,
in response to the Notice to File Missing Parts

POST OFFICE TO ADDRESSEE



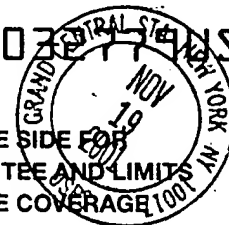
EL477032779US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 10017	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 11/19/01	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 35.70
Time In 1:55 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 10.12 lbs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials AR	Total Postage & Fees \$ 35.70

EL477032779US

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METHOD OF PAYMENT: Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
	Customer Signature

FROM: (PLEASE PRINT)

PHONE ()

PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
17TH FL
NEW YORK NY 10036-2711

TO: (PLEASE PRINT)

PHONE ()

ASSISTANT COMMISSIONER
FOR PATENTS
2900 Crystal Dr
Arlington Va 22209-3513

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Express Mail No. _____

First Class Mail () _____

Date Delivered: November 19, 2001

Serial No.: 9774,388

Applicant: Jm et al.

For: RECOMBINANT RSV EXPRESSION SYSTEMS AND VACCINES

EXPRESS MAIL NO.: EL 477 032 779 US

Filed November 28, 2000

L 477 032 779 US

OFFICE

: 1642

Yet Assigned

st No.: 7682-051-999

- X) Response to Notice to File Missing Parts Under 37 CFR §1.53(b)
- X) Petition For Extension of Time
- X) Executed Declaration For Non-Provisional Application
- X) Copy of Notice to File Missing Parts for Non-Provisional Application

e No. 7682-051-999 Sender: LAC/GFB/JZB/ESM

Other: _____

File No. _____ Sender: _____

..136(a)

Assistant Commissioner for Patents
Arlington, VA 22202

Sir:

It is respectfully requested that the time for response to the Notice to File Missing Parts dated February 12, 2001, be extended for a period of 5 months from June 19, 2001 to and including November 19, 2001.

The fee for this extension is estimated to be \$1,960.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Laura A. Coruzzi Reg. No. 31,232
By Jacqueline L. Bork 30,742

Date November 19, 2001

Laura A. Coruzzi
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711
(212) 790-9090

(Reg. No.)

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,388	11/28/2000	Hong Jin	7682-051-999

CONFIRMATION NO. 8169

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

FORMALITIES LETTER



OC000000005987870

Date Mailed: 04/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed-oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jin et al.

Application No.: 09/724,388

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Not Yet Assigned

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINESAttorney Docket No.: 7682-051-
999

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

Assistant Commissioner for Patents
Arlington, VA 22202

Sir:

It is respectfully requested that the time for response to the Notice to File Missing Parts dated February 12, 2001, be extended for a period of 5 months from June 19, 2001 to and including November 19, 2001.

The fee for this extension is estimated to be \$1,960.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Laura A. Coruzzi Reg. No. 31,232
By Jacqueline L. Bar... 30,742

Date November 19, 2001

Laura A. Coruzzi
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711
(212) 790-9090

(Reg. No.)

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NY2 - 1255472.1

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

RECOMBINANT RSV EXPRESSION SYSTEMS AND VACCINES

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on *(if applicable)*

☒ was filed in the United States on as Application No. *(for declaration not accompanying application)*

with amendment(s) filed on *(if applicable)*

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/060,153	September 26, 1997
60/084,133	May 1, 1998
60/089,207	June 12, 1998

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/316,439	September 30, 1994	✓		
09/161,122	September 25, 1998			✓

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* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME JIN	FIRST NAME Hong	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Cupertino	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States of America	
	POST OFFICE ADDRESS	STREET 22385	CITY Cupertino	STATE OR COUNTRY California	ZIP CODE 95014
	SIGNATURE OF INVENTOR 201			DATE	
2 0 2	FULL NAME OF INVENTOR	LAST NAME PALESE	FIRST NAME Peter	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Leonia	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States of America	
	POST OFFICE ADDRESS	STREET 414 Highwood Avenue	CITY Leonia	STATE OR COUNTRY New Jersey	ZIP CODE 07065
	SIGNATURE OF INVENTOR 202			DATE	
2 0 3	FULL NAME OF INVENTOR	LAST NAME CLARKE	FIRST NAME David	MIDDLE NAME Kirkwood	
	RESIDENCE & CITIZENSHIP	CITY Chester	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United Kingdom/ United States of America	
	POST OFFICE ADDRESS	STREET 30 Whispering Hills	CITY Chester	STATE OR COUNTRY New York	ZIP CODE 10918
	SIGNATURE OF INVENTOR 203 <i>David K. Clarke</i>			DATE 11.17.01	
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 204			DATE	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 205			DATE	

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PENNIE & EDMONDS LLP DOCKET NO. 7682-051-999

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor (if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

RECOMBINANT RSV EXPRESSION SYSTEMS AND VACCINES

and for which a patent application:

is attached hereto and includes amendment(s) filed on (if applicable)

was filed on November 28, 2000 in the United States as Application No. 09/724,388

with amendment(s) filed on (if applicable)

I was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION

APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/060,153	September 26, 1997
60/084,133	May 1, 1998
60/089,207	June 12, 1998

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
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DEPUTY A/C PATENTS

* For use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME JIN	FIRST NAME Hong	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Cupertino	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States of America
	POST OFFICE ADDRESS	STREET 22385 Santa Paula	CITY Cupertino	STATE OR COUNTRY California
	SIGNATURE OF INVENTOR 201 			ZIP CODE 95014
202	FULL NAME OF INVENTOR	LAST NAME PALESE	FIRST NAME Peter	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Leonia	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States of America
	POST OFFICE ADDRESS	STREET 414 Highwood Avenue	CITY Leonia	STATE OR COUNTRY New Jersey
	SIGNATURE OF INVENTOR 202			ZIP CODE 07065
203	FULL NAME OF INVENTOR	LAST NAME CLARKE	FIRST NAME David	MIDDLE NAME Kirkwood
	RESIDENCE & CITIZENSHIP	CITY Chester	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United Kingdom/ United States of America
	POST OFFICE ADDRESS	STREET 30 Whispering Hills	CITY Chester	STATE OR COUNTRY New York
	SIGNATURE OF INVENTOR 203			ZIP CODE 10918
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
	SIGNATURE OF INVENTOR 204			ZIP CODE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
	SIGNATURE OF INVENTOR 205			ZIP CODE

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

*** TOTAL PAGE: 03 ***

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

RECOMBINANT RSV EXPRESSION SYSTEMS AND VACCINES

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☐ was filed in the United States on as Application No. (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☐ was filed as PCT International Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

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			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

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08/316,439	September 30, 1994	✓		
09/161,122	September 25, 1998			✓

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* for use only when the application is assigned to a company, partnership or other organization.

PENNIE & EDMONDS LLP DOCKET NO. 7682-051-999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME JIN	FIRST NAME Hong	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Cupertino	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP People's Republic of China	
	POST OFFICE ADDRESS	STREET 22385	CITY Cupertino	STATE OR COUNTRY California	ZIP CODE 95014
	SIGNATURE OF INVENTOR 201			DATE	
202	FULL NAME OF INVENTOR	LAST NAME PALESE	FIRST NAME Peter	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Leonia	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States of America	
	POST OFFICE ADDRESS	STREET 414 Highwood Avenue	CITY Leonia	STATE OR COUNTRY New Jersey	ZIP CODE 07065
	SIGNATURE OF INVENTOR 202 <i>Peter Palese</i>			DATE 11/15/01	
203	FULL NAME OF INVENTOR	LAST NAME CLARKE	FIRST NAME David	MIDDLE NAME Kirkwood	
	RESIDENCE & CITIZENSHIP	CITY Chester	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United Kingdom/ United States of America	
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	SIGNATURE OF INVENTOR 203			DATE	
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
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	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 204			DATE	
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 205			DATE	

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EXHIBIT B

Return receipt postcard identifying the Documents that were filed on
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Date Delivered: November 19, 2001

EXPRESS MAIL NO.: EL 477 032 779 US

Serial No.: 09/724,388

Filed November 28, 2000

Applicant: Jin et al.

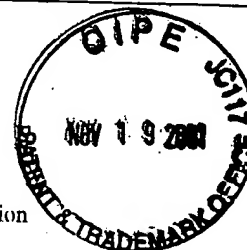
For: RECOMBINANT RSV EXPRESSION SYSTEMS AND VACCINES

(X) Response to Notice to File Missing Parts Under 37 CFR §1.53(b)

(X) Petition For Extension of Time

(X) Executed Declaration For Non-Provisional Application

(X) Copy of Notice to File Missing Parts for Non-Provisional Application



File No. 7682-051-999 Sender: LAC/GFB/JZB/ESM

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#5 GP/1642

EXPRESS MAIL NO.: EL 477 032 779 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jin et al.

Application No.: 09/724,388

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Not Yet Assigned

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINESAttorney Docket No.: 7682-051-
999RECEIVED
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TECH CENTER 1600/2900

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

Assistant Commissioner for Patents
Arlington, VA 22202

Sir:

It is respectfully requested that the time for response to the Notice to File Missing Parts dated February 12, 2001, be extended for a period of 5 months from June 19, 2001 to and including November 19, 2001.

The fee for this extension is estimated to be \$1,960.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Laura A. Coruzzi Reg. No. 31,232
By Jacqueline L. Bark 30,742

Date November 19, 2001

Laura A. Coruzzi
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711
(212) 790-9090

(Reg. No.)

11/23/2001 MWOLDER1 00000039 161150 09724388

01 FC:128 1960.00 CH



EXPRESS MAIL NO.: EL 477 032 779 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jin et al.

Application No.: 09/724,388

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: To be assigned

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-051-999

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**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION FILED UNDER 37 C.F.R. §1.53(b)**

Assistant Commissioner for Patents
Arlington, VA 22202
ATTN.: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application, mailed April 19, 2001, a copy of which is enclosed herewith, attorneys for Applicants submit; a Declaration, in compliance with 37 CFR § 1.63, executed by Hong Jin, Peter Palese and David Kirkwood Clarke; and a Petition to Extend Time Under 37 CFR 1.136 (a). The Notice requires payment of the statutory basic filing fee in the amount of \$710.00. Please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150.

Please charge the required fee for filing this Response, estimated to be \$130.00, to Pennie & Edmonds LLP's Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Date: November 19, 2001

Respectfully submitted,
Laura A. Coruzzi
By *Gerardine Francis Borden*
Laura A. Coruzzi
Reg. No. 31,1232
30,742
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

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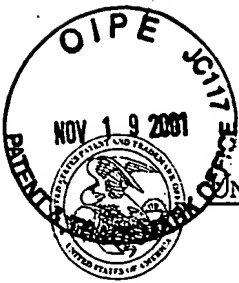
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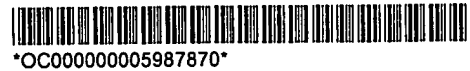
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,388	11/28/2000	Hong Jin	7682-051-999

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

CONFIRMATION NO. 8169

FORMALITIES LETTER



OC000000005987870

Date Mailed: 04/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/23/2001 MWOLDR1 00000040 161150 09724388

01 FC:101 740.00 CH
02 FC:105 130.00 CH